

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SAYED H ZAIDI,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No.: C 10-0698 PVT

**INTERIM ORDER SOLICITING FURTHER  
BRIEFING AND EVIDENCE**

On August 10, 2010, the parties appeared before Magistrate Judge Patricia V. Trumbull for hearing on Defendant's Motion to Dismiss. In light of the briefs and arguments submitted, the court finds it needs further information and briefing in order to determine whether it has subject matter jurisdiction over this case, and if so, whether any time limit for Plaintiff to file this action should be deemed equitably tolled. Therefore,

IT IS HEREBY ORDERED that, no later than August 31, 2010, Defendant shall serve on Plaintiff and lodge with chambers copies of its entire official file(s) regarding Plaintiff's claim(s), including Claim Number 602-60-4849HA (see Exhibit 4 to Plaintiff's Opposition to Defendant's Motion to Dismiss).

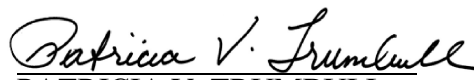
IT IS FURTHER ORDERED that, no later than August 31, 2010, Defendant shall file a supplemental brief addressing the following issues:

- 1) Whether Defendant was required to notify Plaintiff of a right to a hearing in its decision on Plaintiff's Request for Reconsideration (*see*, 20 C.F.R. § 416.1422), and

1 if not, why not; and

- 2 2) Whether Defendant contends that the October 9, 2007 Notice of Award that it sent to  
3 Plaintiff was a “final decision” of the Commissioner.

4 Dated: *August 10, 2010*

5   
6 PATRICIA V. TRUMBULL  
United States Magistrate Judge

*Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

copies mailed on 8/11/10 to:

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/s/ Donna Kirchner for  
ELIZABETH GARCIA  
Courtroom Deputy